



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,882	08/20/2001	Choong Hung Viktor Cheng	P21293	4043

7055 7590 09/01/2004

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,882

Applicant(s)

CHENG ET AL.

Examiner

Marc R Filipczyk

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 8, 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is in response to application filed on August 20, 2001 in which claims 1-29 are presented for examination. IDS filed on 11/26/01, 6/24/2002 and 7/23/2003 have been noted.

Specification

The abstract of the disclosure is objected to because: 1. semicolons should not be used in the abstract, 2. the term, "Fig. 1" should be deleted.

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form. The language should be clear and concise. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 18 and 22-24 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, claims 18 and 22-24 are required to be written in independent form comprising all the subject matter in the claims. However, to expedite the processing of the examination, Examiner assumes the subject matter of claim 1 is incorporated into claim 18.

Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 19-21, the step of, "said step of comparing the file to the filter" is indefinite. The comparing of the file to the filter is not clear.

Claims 19-21 recite the limitation "said step of comparing the file to the filter" in claim 19, line 22. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Reilly et al (U.S. Patent No. 5,740,549).

Regarding claims 1, 26 and 28, Reilly discloses a system, program and method of generating a user personalized filter for processing files, the method comprising the steps of (fig. 4, item 194):

establishing communication with a server (fig. 1, item 104);

employing at least one software tool operated by the server to generate a personal profile (fig. 2, item 194), the profile comprising one or more topics, and associated with each topic, at

Art Unit: 2171

least one keyword and at least one text document (fig. 5, item 223, *Football news* and col. 9, lines 51-55);

employing processing software operated by the server to generate, for each topic, a filter from the associated keywords and text documents (fig. 5, item 222).

Regarding claims 2, 3 and 6, Reilly discloses documents comprise at least one first text document consisting only of text (fig. 2, item 183), and at least one second text document comprising both text and at least one multimedia file (fig. 2, item 190), the step of generating the filter operating on at least the text portion of the second text document (fig. 5, item 222).

Regarding claim 4, Reilly discloses the user inputs at least one text document (fig. 5, item 222, *Hockey news*).

Regarding claim 5, Reilly discloses user inputs a location of a text document (fig. 1, item 102, *User Interface*), and an application program operated by the server (fig. 1, item 104, *Server*) downloads the text document (col. 13, lines 28-31, and col. 14, lines 36-40).

Regarding claim 7, Reilly discloses a keyword is a single or a combination of natural language words (fig. 5, *49ers*, *Rams*)

Regarding claims 8-10, Reilly discloses tools perform at least one of the operations of i. creating, ii. updating and inputting (col. 7, lines 45-48).

Regarding claims 11 and 12, Reilly discloses a numeric and default parameter for processing (fig. 4, item 219 and fig. 5, item 223).

Regarding claims 13-15, 27 and 29, Reilly discloses a system, program and method of generating a user personalized filter for processing files, the method comprising the steps of (fig. 4, item 194):

establishing communication with a server (fig. 1, item 104);

employing at least one software tool operated by the server to generate a personal profile by inputting data (fig. 2, item 194), said profile comprising input data associated with at least two topics (fig. 5, item 223, *Football news* and *Hockey news*);

employing processing software operated by the server to generate, for each topic, a filter from the respective input data (fig. 5, 222);

(Note: each topic selected comprises user input)

employing combination software operated by the server to combine the input data from at least two of the topics, and the processing software to generate a new filter based on the combined input data (fig. 5, item 202B).

Regarding claims 16 and 17, Reilly discloses an internet (HTTP) connection (fig. 1, item 119, *Internet Interconnectivity*) between a user computer (fig. 1, item 102, *User*) and server computer (fig. 1, item 104, *Server*).

Art Unit: 2171

Regarding claim 25, Reilly discloses performing processes at predetermined time intervals (col. 8, lines 19-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (U.S. Patent No. 5,740,549) in view of Applicant Admitted Prior Art (AAPA).

Regarding claims 18 and 22-24, Reilly discloses a system, program and method of processing a plurality of files in a database, including (figures 1 and 9, Reilly):

generating at least one filter according to any preceding claim;

(claim 1):

establishing communication with a server (fig. 1, item 104);

employing at least one software tool operated by the server to generate a personal profile (fig. 2, item 194), the profile comprising one or more topics, and associated with each topic, at least one keyword and at least one text document (fig. 5, item 223, *Football news* and col. 9, lines 51-55);

employing processing software operated by the server to generate, for each topic, a filter from the associated keywords and text documents (fig. 5, item 222).

Art Unit: 2171

Reilly discloses generating filters but does not expressly teach for each filter determining a relevance by comparing the file (document searched) to the filter. Instead, based on user keywords, Reilly system filters out the unrelated files (fig. 5, Reilly).

However, AAPA teaches relevance of data (files or document searched) based on a numerical assessment of the data, and keywords submitted by the user (page 1, lines 22-28, AAPA). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Reilly system in view of AAPA by adding to the filter the feature of assessing the relevance of data to filter by using a numerical assessment as done in AAPA. The advantage being that the data (document searched) for each topic could be accepted by the system even if the data did not comprise all the keywords submitted by the user.

Conclusion

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents illustrate the state of art with respect to filtering data:

U.S. Patent No. 5,706,493 of Sheppard II

U.S. Patent No. 5,867,799 of Lang et al.

Art Unit: 2171

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156.

The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF

August 25, 2004



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100